THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16953 of 2007

Dated:14.08.2007

Between:

Smt.Prabhavathi, W/o.Sri Kurra Satyanarayana,
And another.

…Petitioners

and

The State of A.P.,
Rep., by Tahasildar, Thondangi Mandal,
East Godavari District,
and another.

…Respondents

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ORDER:

The first petitioner herein purchased an extent of Acs.2.00 of land in Survey No.39 situated at Konnamapalli Village of Thondangi Mandal in East Godavari District, under registered sale deed dated 12.10.2006. Similarly, the second petitioner purchased an extent of Ac.0.80 cents in the same survey number on 06.03.2007. The vendor who executed the sale deeds is the same, namely, E.Papa Rao. The petitioners applied to the first respondent for pattadar passbooks and also for necessary changes in the record of rights. It is alleged that on 21.07.2007, the Mandal Revenue Officer without issuing any notice and without passing any orders, came to the land and directed the petitioners to vacate the land. Apprehending that they might be dispossessed forcibly, they filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondents as illegal and arbitrary.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-A) submits that the land in Survey No.39 is a ceiling surplus land, which is taken over by the Government under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, and that the petitioners are not in possession. The same is recorded.

In view of the above, the Writ Petition is dismissed, observing that if the petitioners are in possession of the land whether or not it is a ceiling surplus land, they cannot be dispossessed without following due process of law and without issuing notice to them. No costs.

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(V.V.S.RAO, J)

14.08.2007
vs